

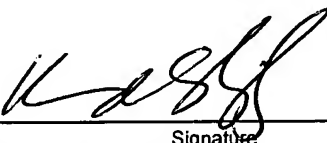


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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 086142-0649	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number  10/780,583	Filed  02/19/2004	
	First Named Inventor  Toshihiko KOBATA		
	Art Unit  2855	Examiner  Octavia Davis	
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. 39,370 Registration number _____</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.</p>			

  
Signature  
Howard N. Shipley  
Typed or printed name  
202-672-5582  
Telephone number  
**OCT 11 2005**  
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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Atty. Dkt. No. 086142-0649

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Toshihiko KOBATA et al.  
Title: SEAT-LOAD MEASURING APPARATUS  
Appl. No.: 10/780,583  
Filing Date: 2/19/2004  
Examiner: Octavia Davis  
Art Unit: 2855

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with the **New Pre-Appeal Brief Conference Pilot Program**,  
announced July 11, 2005, this Pre-Appeal Brief Request is being filed together with a Notice  
of Appeal.

**REMARKS**

The rejection of claims 1-6 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,841,741 (Kajiyama) is presented for review.

**Advisory Action**

The Examiner's Advisory Action mailed September 1, 2005 states that an amendment proposed and filed by the Applicants after the final rejection will not be entered because it raises a new issue that requires further consideration and/or search. See Advisory Action at box 3(a) and 3(d). However, no amendment was proposed after the final rejection was made. The Advisory Action did not give a proper basis for maintaining the rejection of May 25, 2005.

**Rejection under 35 U.S.C. § 102**

Claims 1-6 are rejected under 35 U.S.C. § 102(b) as being anticipated by Kajiyama. The rejection should be withdrawn because the prior art does not disclose, teach, or suggest the claimed invention. For example, Kajiyama does not teach a load support member connected to the rail bracket, as called for in claims 1 and 6. Nor does Kajiyama teach a load support member "wherein the load support member is a belt-shaped flat member with a U-shaped center portion fixed to the rail bracket by a stopper pin that extends through both the center portion and the holes in the sidewalls" of the rail bracket, as called for in claims 1 and 6.

The Examiner contends that Kajiyama discloses both a rail bracket and a load support member. However, the Examiner's position is incorrect because Kajiyama only discloses a rail bracket.

Kajiyama teaches a seat weight measuring apparatus that includes a base 21, an arm 61, a load sensor 51, and a rail bracket 35. (See U.S. Patent No. 6,841,741 at Figure 1 and column 7, lines 2-7, 56-67). The Office Action states that the upper plate 36 of the rail bracket 35 is the load support member. (See Office Action at page 2, lines 20-21). However, the upper plate 36 of the rail bracket 35 is not a belt-shaped flat member with a U-shaped

center portion. Nor is the upper plate 36 connected to the rail bracket 35 because the upper plate 36 is an integrated part of the rail bracket 35. Nor is the upper plate 36 of Kajiyama fixed to the rail bracket 35 by the stopper pin 24 because the upper plate is part of the rail bracket 35 and therefore cannot be fixed to the rail bracket, as called for in the claims.

The Office Action also states more generally that the rail bracket 35 is the load support member. (See Office Action at page 2, lines 22-23). Claims 1 and 6 call for two separate elements, "a load support member" connected to "a u-shaped bracket." Kajiyama only discloses a rail bracket 35 and does not disclose a separate load support member. Claims 1 and 6 further call for the load member to be fixed to the rail bracket by a stopper pin. As mentioned above, Kajiyama does not disclose a load support member separate from the rail bracket. Thus, it is axiomatic that Kajiyama does not disclose the load support member fixed to the rail bracket 35 by a stopper pin. Thus, for at least this additional reason, Kajiyama fails to teach the arrangement of a rail bracket and a separate load support member, as required by claims 1 and 6.

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance.

Respectfully submitted,

Date

10/11/2005

By

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